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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,682	10/31/2001	Akihiro Yoshitani	CANO:039	2566
ROSSI & ASSOCIATES P.O. Box 826 Ashburn, VA 20146-0826			EXAMINER HUNTSINGER, PETER K	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 08/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/016,682	<b>Applicant(s)</b> YOSHITANI ET AL.	
	<b>Examiner</b> Peter K. Huntsinger	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/22/07 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 7/22/07 have been fully considered but they are not persuasive.

The applicant argues on pages 8 and 9 of the response in essence that: Misawa '382 explicitly calls for selecting the transmission type based exclusively on the image size and not user selection of facsimile or electronic mail transmission.

a. Misawa '382 discloses after selecting electronic mail transmission (S01 of Fig. 3, col. 4, lines 45-51, electronic mail transmission unit or facsimile transmission unit is selected), utilizing facsimile transmission (S58 and S82 of Fig. 6) or electronic mail transmission (S62 and S78 of Fig. 6) as the user selected (col. 6, lines 65-67, the user can use the transmission unit which the user wanted to use).

### ***Claim Rejections - 35 USC § 103***

Art Unit: 2625

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-12, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa et al. Patent 6,771,382, and further in view of Kim Patent 6,268,937.

Referring to claims 1, 15, and 16, Misawa et al. disclose an image processing apparatus (composite communication apparatus 10 of Fig. 1, col. 3, lines 19-35) comprising:

an inputter arranged to input image data representing an image (image reading unit 15 of Fig. 1, col. 3, lines 19-35);

a first producer arranged to produce data for transmission by facsimile based on the image data input by said inputter (facsimile unit 80 of Fig. 1, col. 3, lines 19-35);

a second producer arranged to produce data for transmission by electronic mail based on the image data input by said inputter (email transmission unit 17 of Fig. 1, col. 3, lines 19-35);

a selector arranged to select a facsimile transmission or an electronic mail transmission based on an instruction by a user (S01 of Fig. 3, col. 4, lines 45-51, electronic mail transmission unit or facsimile transmission unit is selected);

and a controller arranged to control said first and second producers in a manner such that when the data for transmission by electronic mail is produced by said second

producer in accordance with a selection of the electronic mail transmission by said selector, the data for transmission by electronic mail is produced without the image data input by said inputter being processed by a processor (S62 and S78 of Fig. 6)

Misawa et al. do not disclose expressly altering the size of the image to a predetermined image size if the image is to be sent by facsimile.

Kim discloses a processor arranged to process image data input by an inputter in a manner such that the image represented by the image data has a predetermined image size;

and when the data for transmission by facsimile is produced by a first producer in accordance with a selection of the facsimile transmission, the data for transmission by facsimile is produced after the image data input by said inputter is processed by said processor to alter the size of the image represented by the input image data to match the predetermined image size for transmission by facsimile if the image represented by the input image data is smaller than the predetermined image size (col. 3, lines 58-63).

Misawa et al. and Kim are combinable because they are from the same field of facsimile communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add white pixels to an image to reach a predetermined image size when the image is sent via facsimile. The motivation for doing so would have been compensate for the difference between the original image size and the transmission size. Therefore, it would have been obvious to combine Kim with Misawa et al. to obtain the invention as specified in claims 1, 15, and 16.

Referring to claim 2, Misawa et al. disclose an image processing apparatus according to claim 1, wherein said inputter inputs the image data from a reader which reads the image and generates the image data based on the image (image reading unit 15 of Fig. 1, col. 3, lines 19-35).

Referring to claim 3, Misawa et al. disclose an image processing apparatus according to claim 1, wherein said inputter inputs the image data from a detachable memory (image reading unit 15 of Fig. 1, col. 3, lines 19-35). Misawa et al. disclose that the scanner can be separate from the composite communication apparatus (col. 7, lines 31-52). It is inherent that the scanner has memory for receiving image data. The scanner can be detached from the system because it is a separate device, therefore the image reading unit 15 is a detachable memory.

Referring to claim 4, Kim discloses wherein said processor processes the image data input by an inputter by adding white pixels thereto so as for the image represented by the image data to have a predetermined size if the image represented by the input image data is smaller than the predetermined image size (col. 3, lines 58-63).

Referring to claim 6, Misawa et al. disclose an image processing apparatus according to claim 1, wherein said controller restricts operations of said first and second producers according to a predetermined condition (S56 of Fig. 6, col. 6, lines 13-17).

Referring to claims 7, 17, and 18, Misawa et al. disclose an image processing apparatus (composite communication apparatus 10 of Fig. 1, col. 3, lines 19-35) comprising:

an inputter arranged to input image data representing an image (image reading unit 15 of Fig. 1, col. 3, lines 19-35);

a first producer arranged to produce data for transmission by facsimile based on the image data input by said inputter (facsimile transmission unit 14 of Fig. 1, col. 3, lines 19-35);

a second producer arranged to produce data for transmission by electronic mail based on the image data input by said inputter (email transmission unit 17 of Fig. 1, col. 3, lines 19-35);

and a selector arranged to select a facsimile transmission or an electronic mail transmission based on an instruction by a user (S01 of Fig. 3, col. 4, lines 45-51, electronic mail transmission unit or facsimile transmission unit is selected).

Misawa et al. do not disclose expressly altering the size of the image to a predetermined image size if the image is to be sent by facsimile.

Kim discloses a processor that alters image data input by an inputter; and a controller arranged to control a process to be performed on the image data input by said inputter according to a size of the image represented by the image data input by said inputter, wherein when the size of the image represented by the image data input by said inputter is smaller than a predetermined image size and the image data input by said inputter is to be transmitted by facsimile in accordance with a selection of the facsimile transmission, said controller supplies the image data input by said inputter to a first producer after the processor alters the image data prior to facsimile transmission (col. 3, lines 58-63).

Misawa et al. and Kim are combinable because they are from the same field of facsimile communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add white pixels to an image to reach a predetermined image size when the image is sent via facsimile. The motivation for doing so would have been compensate for the difference between the original image size and the transmission size. Therefore, it would have been obvious to combine Kim with Misawa et al. to obtain the invention as specified in claims 7, 17, and 18.

Referring to claim 8, Misawa et al. disclose an image processing apparatus according to claim 7, wherein said inputter inputs the image data from a reader which reads the image and generates the image data based on the image (image reading unit 15 of Fig. 1, col. 3, lines 19-35).

Referring to claim 9, Misawa et al. disclose an image processing apparatus according to claim 7, wherein said inputter inputs the image data from a detachable memory (image reading unit 15 of Fig. 1, col. 3, lines 19-35). Misawa et al. disclose that the scanner can be separate from the composite communication apparatus (col. 7, lines 31-52). It is inherent that the scanner has memory for receiving image data. The scanner can be detached from the system because it is a separate device, therefore the image reading unit 15 is a detachable memory.

Referring to claim 10, Kim discloses wherein the processor alters the image data such that the size of the image represented by the image data input by said inputter becomes equal to the predetermined image size (col. 3, lines 58-63).



Referring to claim 11, Misawa et al. disclose an image processing apparatus according to claim 7, wherein when the image data input by said inputter is to be transmitted by electronic mail, said controller causes said second producer to produce a file corresponding to the size of the image represented by the image data input by said inputter (col. 5, lines 16-21).

Referring to claim 12, Misawa et al. disclose an image processing apparatus according to claim 11, wherein when the image data input by said inputter to be transmitted by electronic mail is set as the file having a predetermined size, said controller causes said second producer to produce the file having the predetermined size irrespective of the size of the image represented by the image data input by said inputter (S62 of Fig. 6, col. 6, lines 34-39).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa et al. Patent 6,771,382 and Kim Patent 6,268,937 as applied to claim 1 above, and further in view of Morigami Patent 6,057,934.

Referring to claim 5, Misawa et al. disclose wherein said controller controls said first producer and said second producer. Misawa et al. do not disclose expressly using different gamma values for producing the data.

Morigami discloses different gamma values in producing data for facsimile and monitors (col. 9, lines 65-67).

Misawa et al. and Morigami are combinable because they are from the same field of image processing. At the time of the invention, it would have been obvious to a

person of ordinary skill in the art to produce an image for facsimile transmission with a different gamma value than producing an image for email. The motivation for doing so would have been to utilize typical gamma values in producing the images to obtain accurate images. Therefore, it would have been obvious to combine Morigami with Misawa et al. to obtain the invention as specified in claim 5.

6. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa et al. Patent 6,771,382 and Kim Patent 6,268,937 as applied to claim 7 and 13, and further in view of well known prior art.

Referring to claim 13, Misawa et al. disclose an image processing apparatus according to claim 7, wherein said controller inhibits supply of the image data input by said inputter to said first and second producers (S61 and S81 of Fig. 6, col. 6, lines 30-32, 54-56). Misawa et al. do not disclose expressly inputting a color image. Official Notice is taken that it is well known to a person of ordinary skill in the art to input, fax, and email a color image (See MPEP 144.03). The motivation for doing so would have been to allow transmitting more vibrant images through email and fax.

Referring to claim 14, Misawa et al. disclose an image processing apparatus according to claim 13, wherein the image represented by the image data input by said inputter is a size smaller than a predetermined size, said controller permits supply of the image data input by said inputter to said first and second producers (S61 and S81 of Fig. 6, col. 6, lines 30-32, 54-56). Misawa et al. do not disclose expressly inputting a color image. Official Notice is taken that it is well known to a person of ordinary skill in

Art Unit: 2625

the art to input, fax, and email a color image (See MPEP 144.03). The motivation for doing so would have been to allow transmitting more vibrant images through email and fax.

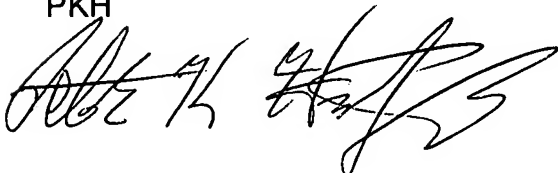
### **Conclusion**

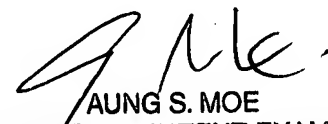
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moe Aung can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PKH



  
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SUPERVISORY PATENT EXAMINER  
8/15/07